

Public Papers of the Presidents

November 28, 1990

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HEADLINE: Statement on Signing the Bill Authorizing the Conveyance of Land by the Rumsey Indian Rancheria

BODY:

Today I have signed H.R. 3703, and Act "To authorize the Rumsey Indian Rancheria to convey a certain parcel of land." H.R. 3703 contains numerous provisions that will promote the economic and social welfare of Native Americans. Those provisions that provide for the prevention, identification, treatment, and investigation of child abuse and neglect on Indian reservations are meritorious. I must, however, take note of two issues that raise serious concerns.

First, sections 405, 504, and 507 purport to require the Secretary of the Interior and the Secretary of Health and Human Services to submit various reports to the Congress containing legislative recommendations. The Constitution grants to the President the power to recommend to the Congress such measures as he judges necessary and expedient. Accordingly, I shall treat the provisions on legislative recommendations as advisory rather than mandatory.

Second, section 316 authorizes the Secretary of the Interior to enter into cooperative agreements with Indian tribes for certain purposes and provides that the Indian tribes and their contractors will be immune from liability. Furthermore, section 316 makes the United States liable in their stead for tortious acts committed under those contracts. This provision will make the U.S. Government a veritable insurer for tribal activities under circumstances in which the United States otherwise would not be liable.

I do not believe that the United States should indemnify Indian tribes and their contractors or assume the enormous liability that this provision could generate. This provision, like the one in Public Law 101-512, the "Department of the Interior and Related Agencies Appropriations Act, 1991," violates the existing means for determining whether public funds will be put at risk for the acts of specific individuals. We will seek repeal of this and any other such provision in the next Congress. I hereby instruct the Attorney General and the Secretary of the Interior to prepare for submission to the Congress legislation that will repeal this section.

George Bush

The White House,  
November 28, 1990.

Note: H.R 3703, approved November 28, was assigned Public Law No 101-630